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Trafficking in persons, especially women and children

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the Special Rapporteur on trafficking in persons, especially women and children, Maria Grazia Giammarinaro, submitted pursuant to Human Rights Council resolution 35/5.

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Report of the Special Rapporteur on trafficking in persons, especially women and children

Summary

In the present report, the Special Rapporteur on trafficking in persons, especially women and children, focuses on the gender dimension of trafficking in persons in conflict and post-conflict settings and its nexus with conflict-related sexual violence, as it relates to the women and peace and security agenda of the Security Council. By exploring the content of Council resolution 1325 (2000) and the agenda that stems from it, namely, the four pillars of conflict prevention and peacebuilding, protection, participation, and relief and recovery, the Special Rapporteur argues that, in order to ensure more efficient anti-trafficking responses, a human rights-based approach to trafficking in persons should be mainstreamed into all pillars of the women and peace and security agenda.

In the present report, the Special Rapporteur offers recommendations to Member States on how to better integrate a human rights-based approach to trafficking in persons into prevention, protection, participation and relief and recovery initiatives and measures and to United Nations bodies and agencies, civil society organizations and other stakeholders on how to mainstream trafficking into all their areas of work relating to conflict and post-conflict settings.

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I. Introduction

1. In the present report, submitted to the General Assembly pursuant to Human Rights Council resolution 35/5, the Special Rapporteur on trafficking in persons, especially women and children, outlines a thematic analysis focusing on the gender dimension of trafficking in persons in conflict and post-conflict settings and the importance of integrating a human rights-based approach to trafficking in persons into the women and peace and security agenda of the Security Council.

II. Activities undertaken by the Special Rapporteur[1]

2. On 21 November 2017, the Special Rapporteur was invited to brief the Security Council at its open debate on the theme "Maintenance of international peace and security: trafficking in persons in conflict situations".

3. On 20 and 21 June 2018, she presented her report on the early identification, assistance and referral of victims or potential victims of trafficking in mixed migration movements (A/HRC/38/45) to the thirty-eighth session of the Human Rights Council. That report was informed by thematic visits to Catania, Italy, in 2017, Portugal in 2018 and the European Border and Coastguard Agency (FRONTEX) in 2018, as well as a number of thematic submissions from various stakeholders. The Special Rapporteur also presented the report on her country visit to Cuba, which she carried out from 10 to 14 April 2017.

4. On 21 June 2018, in collaboration with the United Nations voluntary trust fund on contemporary forms of slavery, she convened a side event on the trafficking of women and girls.

III. Thematic analysis: the gender dimension of trafficking in persons in conflict and post-conflict settings and the importance of integrating a human rights-based approach to trafficking in persons into the women and peace and security agenda of the Security Council

A. Introduction

5. Trafficking in persons often stems from existing vulnerabilities, such as structural inequalities, gender-based discrimination and stereotypes and lack of economic opportunities, which are exacerbated in the periods before, during and after conflicts. The general breakdown of the rule of law and political, economic and social structures, including community protection systems, higher levels of violence and increased militarism, as well as the lack of access to safe and legal migratory routes, foster conditions in which trafficking flourishes, including after hostilities have ceased.[2]

6. Victims of trafficking can be women, girls, men and boys. According to the latest United Nations Office on Drugs and Crime *Global Report on Trafficking in Persons*, however, while the number of men among detected victims of trafficking

[1] For information on activities undertaken by the Special Rapporteur between July 2017 and April 2018, see A/HRC/38/45.

[2] A/71/303, para. 14; Committee on the Elimination of Discrimination against Women, general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, para. 39.

has significantly increased over the past 10 years, women and girls still make up a large share of the total number, amounting to 51 per cent and 20 per cent, respectively.[3] Similarly, according to the recent estimates of the International Labour Organization, women and girls account for 99 per cent of victims in the commercial sex industry and 58 per cent of victims of forced labour in other sectors.[4]

7. The gender dimension of trafficking must be taken into account in conflict and post-conflict settings, given that it affects males and females differently, such as in relation to forced recruitment into military forces, child, early and forced marriage, sexual exploitation, including by foreign military forces and other international actors, sexual enslavement and labour exploitation, such as in domestic service.

8. Trafficking in persons is perpetrated for a range of illicit purposes, including sexual exploitation, labour exploitation, forced labour, slavery, servitude and the removal of organs. All those forms of exploitation are systematically linked with conflict and post-conflict situations. Women and girls are disproportionately affected by trafficking in persons for the purpose of sexual exploitation, which, in conflict settings can amount to conflict-related sexual violence, and they are also subject to other forms of exploitation in the same contexts.

9. In its resolution 2331 (2016), the Security Council recognized the nexus between trafficking, sexual violence, terrorism and transnational organized crime. Since then, trafficking in persons has been addressed as part of the Council's overall mandate for the maintenance of international peace and security.

10. Furthermore, trafficking in persons can amount to conflict-related sexual violence when committed in situations of conflict for the purpose of sexual violence or exploitation and, as such, it is also addressed within the context of the women and peace and security agenda of the Security Council.

11. However, when trafficking is addressed as a threat to international peace and security, reference to resolutions developed within the context of the women and peace and security agenda is sporadic.[5] The Special Rapporteur nonetheless commends increased efforts to address trafficking in the context of conflict-related sexual violence,[6] including at the recent meetings of the Security Council at which the women and peace and security agenda was discussed.[7]

12. Acknowledging the disproportionate effect of trafficking on women and girls in conflict and post-conflict settings, the Special Rapporteur emphasizes the importance of integrating trafficking in persons and, more precisely, a human rights-based and gender-sensitive approach to trafficking in persons, into the women and peace and security agenda of the Security Council. Such an approach can complement ongoing anti-trafficking efforts undertaken at the global level, including within the Security Council and other inter-governmental bodies. In the present report, she examines the connections between the anti-trafficking agenda and the women and peace and security agenda in relation to its pillars, namely, conflict prevention and

[3] United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons* (United Nations publication, Sales No. E.16.IV.6).

[4] International Labour Organization and Walk Free Foundation, *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage* (Geneva, International Labour Office, 2017).

[5] Security Council resolution 2388 (2017), in which the Council only refers to the women and peace and security agenda through a minor reference to resolution 2242 (2015).

[6] See the report of the Secretary-General on conflict-related sexual violence (S/2017/249), the first such report in which he explicitly included trafficking within the definition of conflict-related sexual violence. See also S/2018/250, paras. 2, 14, 16, 18, 33, 43, 47, 53, 57, 58, 76, 80, 81, 97 (b) and 98 (b), (k) and (l).

[7] Record of the 8234th meeting of the Security Council on women and peace and security (S/PV.8234).

peacebuilding, protection, participation, and relief and recovery, with a particular focus on conflict-related sexual violence, and highlights various aspects of trafficking in persons for the purpose of any form of exploitation.

B. Human rights-based approach to trafficking

13. In her previous reports (see A/71/303 and A/HRC/32/41), the Special Rapporteur provided an overview of the international legal framework, drawing from multiple branches of law, around trafficking in conflict and post-conflict situations. In the present section, the Special Rapporteur focuses on the importance of adopting a human rights-based approach to trafficking in persons, which primarily focuses on the rights of victims and potential victims. In that respect, the criminal law approach, which primarily focuses on prosecution, especially in the context of organized crime, should always incorporate a human rights element that is gender-sensitive and should be based on the principle that the rights of trafficked persons must be respected at all times.[8]

14. The first human rights treaty in which trafficking in persons was expressly included is the Convention on the Elimination of All Forms of Discrimination against Women, in article 6 thereof, followed by the Convention on the Rights of the Child, in article 35.

15. The first treaty-based definition of trafficking in persons is included in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol). In 2002, the Office of the United Nations High Commissioner for Human Rights (OHCHR) issued the Recommended Principles and Guidelines on Human Rights and Human Trafficking (E/2002/68/Add.1), in which the primacy of human rights in all efforts to combat and prevent trafficking is asserted. By its resolution 64/293 of 30 July 2010, the General Assembly adopted the United Nations Global Plan of Action to Combat Trafficking in Persons, in which it promoted a human rights-based, gender- and age-sensitive approach, as well as a strong criminal justice response.

16. Regional instruments have taken a mixed approach, between human rights and criminal law. In Africa, trafficking is explicitly incorporated by the African Union as a violation of women's rights under article 4 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. In Europe, in the Council of Europe Convention on Action against Trafficking in Human Beings, trafficking is expressly asserted as a human rights violation. However, although the European Court of Human Rights has expanded on State obligations to protect victims of trafficking in its jurisprudence,[9] a gender analysis on the structural and underlying causes of trafficking is still lacking. In the Americas, the Inter-American Convention on International Traffic in Minors is largely focused on the criminal aspects of trafficking, whereas in the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, trafficking is considered a form of violence against women. The Inter-American Court of Human Rights provided a

[8] Christine Chinkin, "International human rights, criminal law and the women, peace and security agenda", London School of Economics and Political Science, Centre for Women, Peace and Security, Women, Peace and Security Working Paper Series No. 12/2018. Available from www.lse.ac.uk/women-peace-security/publications/wps.

[9] European Court of Human Rights, *Rantsev v. Cyprus and Russia* (application No. 25965/04), judgment of 7 January 2010; *M. and others v. Italy and Bulgaria* (application No. 40020/03), judgment of 31 July 2012; *J. and others v. Austria* (application No. 58216/12), judgment of 17 January 2017.

thorough analysis of the history of slavery and human trafficking, in its first decision relating to trafficking, in which it examined structural discrimination on the basis of poverty and economic inequalities in a case concerning the slavery-like working conditions of 85 workers on a privately owned cattle ranch in Brazil.[10] In Asia, the South Asian Association for Regional Cooperation adopted the Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, which, although framing trafficking as a human rights violation, is limited in scope to sexual exploitation. The Association of Southeast Asian Nations (ASEAN) Convention against Trafficking in Persons, Especially Women and Children entered into force in March 2017 and follows the criminal law approach taken in the Palermo Protocol.[11]

17. Adopting a human rights-based approach to trafficking implies States upholding their obligations to act with due diligence towards the prevention of trafficking, the protection of victims and the prosecution of perpetrators. The due diligence standard, which the Special Rapporteur analysed in a previous report (A/70/260), should be triggered as soon as the State authorities know or ought to have known about trafficking taking place within its territory or jurisdiction, by either State or non-State actors, regardless of whether the State is party to any specific anti-trafficking convention.[12] Human rights treaties, as well as recommendations of United Nations committees and special procedures of the Human Rights Council, are also applicable during armed conflicts.

C. Trafficking in persons and its nexus with conflict-related sexual violence

18. The term "conflict-related sexual violence" refers to rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage and any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys that is directly or indirectly linked to a conflict (S/2018/250, para. 2). Traditionally, the term "trafficking" has not been specifically included in the definition. The Special Rapporteur is pleased to note, however, that the Secretary-General has explicitly included trafficking in the definition of conflict-related sexual violence, when committed in situations of conflict for the purpose of sexual violence or exploitation (S/2017/249, para. 2), and specifically mentioned displacement or trafficking as possible causes for conflict-related sexual violence (S/2018/250 para. 2). Most recently, conflicted-related sexual violence has also been linked with land dispossession, forced evictions and raids leading to abductions for the purpose of trafficking and, in country-specific situations, trafficking has been linked with sexual slavery in displaced persons camps, with terrorism, with forced marriage and sexual exploitation and with sexual violence and migration (ibid., paras. 16, 53, 58 and 80).

19. The Special Rapporteur especially commends the Secretary-General for his recommendation in which he urged the Security Council to continue to address the nexus between trafficking in persons and conflict-related sexual violence, further to Council resolutions 2331 (2016) and 2388 (2017), highlighting the direct link

[10] Inter-American Court of Human Rights, *Workers at the Hacienda Brasil Verde v. Brazil*, order of the Acting President of the Inter-American Court of Human Rights of 23 February 2016, relating to the on-site investigation conducted in this case.

[11] The Convention entered into force upon ratification by six States members of ASEAN, namely, Cambodia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam.

[12] Committee on the Elimination of Discrimination against Women, general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention; and general recommendation No. 30, para. 8.

between trafficking and the implementation of the Council's mandate for the maintenance of international peace and security (ibid, para. 97 (b); see also paras. 81 and 98 (b), (k) and (l)).

20. In its general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, the Committee on the Elimination of Discrimination against Women first linked the provisions of the Convention with trafficking in persons and armed conflicts, by recommending that States parties prevent, prosecute and punish trafficking and related human rights violations that occur under their jurisdiction, whether perpetrated by public authorities or private actors, and adopt specific protection measures for women and girls, including those who are internally displaced and refugees. In its general recommendation No. 19 (1992) on violence against women, the Committee noted that poverty and unemployment increased opportunities for trafficking in women, referenced the impact of armed conflict on prostitution, trafficking in women and sexual assault of women and noted the need for specific protective and punitive measures. However, despite the inclusion of trafficking in the Convention on the Elimination of All Forms of Discrimination against Women and its recognition as a form of gender-based violence, understanding of trafficking in persons as a gendered phenomenon has only slowly gained acceptance. The Inter-Agency Coordination Group against Trafficking in Persons recently published a policy brief on the gender dimension of trafficking in which it highlighted the importance of a gender-sensitive approach to the prevention of and response to trafficking.[13]

21. The Special Rapporteur has found that pre-existing conditions and vulnerabilities, such as structural gender-based and other forms of discrimination affecting women, children and non-citizens, are exacerbated during conflict as opportunities for exploitation increase and protection systems break down (A/71/303, para. 25). The Special Rapporteur has also found that the nature and forms of trafficking in persons associated with conflict are highly gendered. For example, abduction into military forces affects males and females differently. Whereas men and boys are typically forced into being soldiers, women and girls are generally forced into support roles, such as domestic servitude; moreover, they face sexual assault and sexual slavery (ibid., para. 66). Other forms of trafficking-related exploitation particular to or especially prevalent in conflict situations are trafficking for the purposes of sexual exploitation, forced marriage and labour exploitation in domestic service, as well as in unsafe mines, as porters and "mules" and on the front line. Some forms of exploitation often give rise to further gendered harms, such as unwanted pregnancy, forced abortion and sexually transmitted infections, underscoring the importance of conducting a gender analysis in all trafficking prevention efforts and responses.[14]

22. Conflict-related sexual violence can take many forms — it can amount to sexual exploitation or forced marriage for survival, in exchange for food, shelter, protection or safe passage. Rape and other forms of sexual violence have been used as a tactic of war, to humiliate and weaken the morale of the enemy, "ethnically cleanse" the population, destabilize communities and force civilians to flee (A/71/303, para. 32). Conflict-related violence is also used to strip natural resources, forcibly seize land and displace populations, often leading to the trafficking of women and girls who are recruited for the purpose of sexual exploitation and forced labour in illegal mining areas and other extraction zones controlled by non-State actors, such as armed groups

[13] Inter-Agency Coordination Group against Trafficking in Persons, "The gender dimensions of human trafficking", Issue Brief No. 4, 2017.

[14] António Guterres, Secretary-General of the United Nations, "Remarks at Ministerial Open Debate on Trafficking in Persons in Conflict Situations: Forced labour, slavery and other similar practices", 15 March 2017.

or private security services. Women and girls are often seen as commodities that can be "used", including in the context of economic activities that involve a concentration of male workers, such as mining and other extractive industries, and in the agricultural and fishing industries. For example, in Colombia, it has been reported that women, in particular those who are of indigenous, Afrodescendant or rural background, are employed for sexual exploitation in illegal mining areas and routinely subjected to ill-treatment, forced to work long hours, to consume drugs and to have unprotected sex, resulting in high rates of sexually transmitted diseases and forced abortions.[15] In recent reports on the subject, the Secretary-General has similarly underscored the importance of paying particular attention to the underlying political economy of violence, including competition for the control of natural resources and mining settlements by armed groups, which correlates with increased civilian displacement, human trafficking and sexual abuse, as witnessed in the Democratic Republic of the Congo and elsewhere (see S/2015/203; and S/2018/250, paras. 16 and 17).

23. Trafficking for the purpose of sexual exploitation is perpetrated not only by organized criminals. Syrian refugee women and girls, for example, are trafficked for sexual exploitation through the practice of "temporary" or child and/or forced marriages. Those girls and women are often forcibly married by their parents, who view such arrangements as a way of securing the safety of their daughters and ensuring the family livelihood through the bride price. Once married, such wives are likely to end up in a situation of sexual and domestic exploitation by a spouse whom they have followed abroad (A/HRC/32/41/Add.1). Trafficking for sexual exploitation through marriages with foreign men who then force their "brides" into prostitution in another country is also common (A/71/303, para. 34).

24. A large, militarized and predominantly male international presence, such as peacekeeping troops, can also exacerbate, and sometimes even contribute directly to, trafficking for labour and/or sexual exploitation. The involvement of military, peacekeeping, humanitarian and other international personnel in trafficking and related exploitation during post-conflict periods has been documented in multiple countries and areas, including Angola, Bosnia and Herzegovina, Cambodia, the Democratic Republic of the Congo, East Timor, Kosovo, Liberia, Mozambique, Sierra Leone and Somalia (ibid., para. 43). Following allegations of sexual exploitation and abuse, including in relation to children, against peacekeepers operating under authorization of the Security Council but not under United Nations command in the Central African Republic (see A/71/99), United Nations efforts have intensified to ensure more robust prevention and response to allegations of sexual exploitation and abuse by persons operating under a United Nations flag. In February 2017, the Secretary-General adopted a new strategy on combatting sexual exploitation and abuse (see A/71/818), that puts the rights and dignity of victims at the forefront. In many countries, the United Nations and other partners have strengthened reporting mechanisms, including by putting into place community-based complaint mechanisms and conducting outreach to affected communities, in an effort to tackle underreporting. Human trafficking has historically been linked to the presence of military bases.[16] For example, in Djibouti, foreign military bases provide a steady

[15] Global Initiative against Transnational Organized Crime, *Organized Crime and Illegally Mined Gold in Latin America* (Geneva, 2016); and Astrid Ulloa, "Territory feminism in Latin America: defense of life against extractivism", 2016. Available from http://nomadas.ucentral.edu.co/nomadas/pdf/nomadas_45/45-8U-Feminismos-territoriales.pdf (Spanish only).

[16] Cynthia Enloe, *Bananas, Beaches and Bases: Making Feminist Sense of International Politics* (London, Pandora, 1989).

market where women's bodies can become the currency of war, including through trafficking, forced labour, sexual exploitation, forced prostitution and abuse.[17]

25. In a post-conflict climate, the vulnerability of women and girls to trafficking-related exploitation is heightened by their relative lack of access to resources, education, personal documentation and protection. However, such crimes are underreported owing to, among other things, the stigmatization of survivors and inadequate services available to them.

26. Moreover, the demand for cheap labour in the aftermath of crises, when countries and businesses start to rebuild, could also lead to trafficking (A/71/303, para. 40). In Central America, urban violence worsened after the signing of peace agreements, allowing organized criminal groups to expand their power and influence, contributing to an increase in trafficking.[18] Security policies in post-conflict countries in the region have traditionally focused on other crimes and forms of violence, overlooking trafficking in women and girls. Design and implementation of post-conflict measures should assess the risks of further forms of violence and exploitation when a "traditional armed force" withdraws from a territory and the status quo changes, leaving a vacuum for other armed groups to take control over the territory. In those situations, vulnerability to trafficking is exacerbated.

27. The Special Rapporteur acknowledges the mandate holder and work of the Special Representative of the Secretary-General on Sexual Violence in Conflict and the work of the Team of Experts on the Rule of Law and Sexual Violence in Conflict, as well as activities and actions of the United Nations Action against Sexual Violence in Conflict network, which is chaired by the Special Representative.

28. Despite the fact that trafficking can amount to conflict-related sexual violence, it is often overlooked in both conflict and post-conflict settings. Conflict can shape the way in which a country understands, experiences and responds to trafficking, sometimes for many years after hostilities have ceased. The extreme, and often gender-based, violence that takes place during conflict can set the scene for greater tolerance of trafficking-related exploitation in peacetime.[19] There is often a disconnect between the protection mechanisms in place, and trafficking is often not included under the forms of conflict-related sexual violence to be addressed in planning for post-conflict reconstruction. As a consequence, victims of trafficking are under-identified, and the links between conflict, displacement and trafficking are overlooked, including in peace processes, failing to examine the underlying dynamics of the phenomenon and to design the most effective responses to combat it. A good initiative in that regard, to which the mandate of the Special Rapporteur actively contributes, concerns the establishment of an anti-trafficking task team led by the International Organization for Migration (IOM), Heartland Alliance International and the Office of the United Nations High Commissioner for Refugees (UNHCR), with the aim of mainstreaming trafficking in persons into various protection clusters in conflict- and crisis-affected areas.

[17] Ray Acheson, "Remote warfare and sexual violence in Djibouti" (Women's International League for Peace and Freedom, 2017).

[18] Aníbal Gaviria Correa et al, *Estudio descriptivo del delito de trata de personas que victimiza a niñas y mujeres en Medellín* (Medellín, 2015). Available at www.unodc.org/documents/colombia/2015/Diciembre/cartilla_estudiodescriptivo.pdf (Spanish only).

[19] Anne T. Gallagher, A. O., "Trafficking in persons and armed conflict", background report, 2015.

D. Trafficking in persons as a threat to international peace and security

29. Trafficking in persons can also amount to international crimes constituting a threat to peace and security. Although not listed as a distinct international crime under the Rome Statute of the International Criminal Court, individuals can be prosecuted under related offences that occur during trafficking, including torture and other forms of inhumane or degrading treatment, deportation or forcible transfer of the population, outrages upon personal dignity or imprisonment or serious deprivation of physical liberty.[20] Sexual slavery or any other form of sexual violence as well as conscripting and enlisting children can also amount to war crimes, if committed in the context of an international or non-international armed conflict.[21] Under the Rome Statute, the elements of crimes for that offence were deliberately drafted to avoid a too narrow interpretation of sexual slavery, by interpreting the deprivation of liberty deriving from such gross human rights violations as including forced labour or otherwise reducing a person to servile status as well as trafficking in persons, in particular women and children.[22] Enslavement, sexual slavery and sexual violence can also constitute underlying acts of crimes against humanity, if committed as part of a widespread or systematic attack directed against the civilian population.[23] In addition, enslavement and sexual slavery can constitute acts of genocide, if committed with the requisite intent to destroy, in whole or in part, a national, ethnical, racial or religious group.[24]

30. Following presidential statement 2015/25, the Security Council adopted resolutions 2331 (2016) and 2388 (2017), which are primarily framed within the traditional anti-trafficking criminal law paradigm, in the context of its mandate for the maintenance of international peace and security.

31. Resolution 2331 (2016) marked the first time that the Security Council addressed trafficking in persons, identifying the existence of links between trafficking, when committed under certain circumstances, and the maintenance of international peace and security, for which it has primary responsibility pursuant to Article 24 of the Charter of the United Nations. The resolution also laid a crucial normative framework for tackling previously unforeseen threats to international peace and security, including the use of sexual violence as a tactic of terrorism by groups that traffic their victims internally, as well as across borders, in the pursuit of profit and with absolute impunity. The resolution sets out that the link emerges from the implication of terrorist groups in the trafficking of women and girls in conflict-related areas and from the fact that trafficking serves as an instrument to increase the finances and power of those organized criminal groups.

32. Those resolutions also highlight the relationship between conflict and post-conflict situations and trafficking and aim at tackling the use of trafficking as terrorism and a tactic of the war economy by terrorist groups. Trafficking is therefore addressed mostly as a security issue rather than a human rights violation. While recognizing the link between trafficking and sexual violence, the resolutions do not comprehensively link trafficking with the women and peace and security agenda, only

[20] Women's International League for Peace and Freedom, "Human trafficking and related crimes in the context of peacekeeping: State, organization, and individual responsibilities and accountabilities", 2012.

[21] Rome Statute of the International Criminal Court, article 8 (2) (b) (xxii) and (e) (vi).

[22] Elements of Crimes for the International Criminal Court, definition of sexual slavery (Rome Statute, article 8 (2) (b) (xxii), including footnote 53, and article 8 (2) (e) (vi), including footnote 65).

[23] Rome Statute, article 7 (2) (c).

[24] Ibid., article 6.

sporadically mentioning resolution 2242 (2015), adopted in the context of the agenda. However, even within the context of trafficking as a weapon of terror, "hybrid criminal-terrorist networks" have been acknowledged to use "the bodies of women and girls as a form of currency in the political economy of war" and as a tactic of terror, recruitment and radicalization (S/2017/249, para. 1). Resolutions 2331 (2016) and 2388 (2017), although addressing the nexus between trafficking and sexual exploitation, conflict-related sexual violence and terrorism, issues which fall squarely within the women and peace and security agenda, seem detached from the agenda in their general approach.

E. Integrating trafficking into the women and peace and security agenda of the Security Council

33. Resolution 1325 (2000) introduced an ambitious and holistic agenda aimed at addressing the specific situation of women in armed conflicts, peace processes and post-conflict reconstruction and at recognizing, for the first time, both the victimization of women and their agency in conflict and post-conflict settings.[25] The related agenda revolves around four main pillars: prevention of conflict and of sexual violence in conflict; protection against sexual violence in conflict; participation and meaningful representation of women at all levels of decision-making about conflict prevention, management and resolution; and relief and recovery. The pillars are interconnected and mutually reinforcing, forming part of a comprehensive understanding of peace that entails the enjoyment and realization of all fundamental rights for all as an enabling condition for sustainable peace.

34. There is value in placing trafficking of women and girls within the framework of the women and peace and security agenda: it provides for joined up thinking across a number of different international agendas, grounded in international law and a rights-based and victim-centred approach that is focused on the prevention of gender-based violence and the protection of women and girls from such violence in situations of armed conflict, displacement and post-conflict settings. It also highlights the importance of the empowerment of women and women's leadership as effective means of preventing trafficking in persons and providing social inclusion for survivors.[26]

F. Prevention pillar, including in relation to trafficking in persons

35. One of the pillars of the women and peace and security agenda is the inclusion of a gender perspective in conflict prevention, peacemaking, peacekeeping and peacebuilding. It specifically calls for a gender perspective when designing refugee camps and for attention to the "particular needs" of women refugees, including during repatriation, resettlement, rehabilitation, reintegration and post-conflict reconstruction.[27]

36. Women and girls in refugee and internally displaced persons camps are particularly vulnerable to being trafficked. In paragraph 16 of Security Council

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[25] Sahla Aroussi, *Women, Peace and Security: Repositioning Gender in Peace Agreements* (Intersentia, 2015), p. 34.

[26] Security Council resolution 2242 (2015). See also Radhika Coomaraswamy, *Preventing Conflict, Transforming Justice, Securing the Peace: Global Study on the Implementation of United Nations Security Council resolution 1325* (United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), 2015), which includes reference to human trafficking.

[27] Security Council resolution 1325 (2000), para. 12; Aroussi, *Women, Peace and Security*, pp. 35–36.

resolution 2388 (2017), prevention of trafficking is addressed through encouragement of Member States to develop and use early warning and early-screening frameworks of potential or imminent risk of trafficking in persons to proactively and expediently detect victims and persons vulnerable to trafficking, with special attention to women and children, especially those unaccompanied.

37. In that regard, it is essential that internally displaced persons and refugee camps have a registry of all people living in the camp, to serve as a preventive measure against abduction. Reporting desks for missing persons should also be set up, and their establishment announced and properly publicized, to allow for the immediate commencement of investigations when someone is reported missing.

38. In her report on her country visit to Jordan (A/HRC/32/41/Add.1), the Special Rapporteur commended the prevention measures targeting refugees and asylum seekers, which included the registration of marriages and divorces free of charge in the camps by religious courts and civil registration authorities and which reduced the risk of child and/or force marriage, servile marriages and marriages resulting in sexual exploitation. A good practice in that regard was also related to cooperation between the Government and UNHCR, in the management of refugee camps, which should include identification of situations or risks of trafficking in the training of relevant personnel (ibid., para. 71).

39. Potential or imminent risk of trafficking is systematically linked with conflict. The importance of carrying out a risk assessment to prevent gender-based violence has been addressed in a landmark decision by the Inter-American Court of Human Rights, in which it combined the risk doctrine with a reinforced duty of due diligence to prevent and applied them for the first time to a gender-based pattern of violence involving violence by non-State actors.[28] As a form of conflict-related gender-based violence, the imminent risk of trafficking should be recognized and preventive measures automatically put into place from the outset of conflict and maintained throughout the duration of the conflict and in its aftermath. Operationalizing preventive measures would entail, for example, that early warning signs include indicators of vulnerabilities to trafficking, such as poverty, lack of income, the practice of survival sex or transactional sex, such as exchanging sex for food, lack of access to services, and exploitation of members of the family as a result of poverty and desperation.[29]

40. With regard to trafficking, given that it mostly involves non-State actors, the application of States' due diligence obligations is particularly critical to ensuring the rights of trafficked persons (see A/70/260). Direct humanitarian dialogue with non-State actors on the prohibition of sexual violence and discrimination on the basis of gender has also proved to have a positive impact on prevention of conflict-related sexual violence. The signature of deeds of commitment by 24 armed non-State actors, by which they agreed, among other things, to adhere to an absolute prohibition of sexual violence against any person, to take all feasible measures to effectively prevent and respond to acts of sexual violence committed by any persons in areas where they exercise authority and to provide victims of sexual violence with access to medical, psychological, social and legal services, rehabilitation and social reintegration programmes and reparations was an encouraging step. During the subsequent

[28] Inter-American Court of Human Rights, *González et al. v. Mexico*, judgment of 16 November 2009; Juana I. Acosta López, "The Cotton Field Case: gender perspective and feminist theories in the Inter-American Court of Human Rights jurisprudence", *International Law, Revista Colombiana de Derecho Internacional*, vol. 21 (2012), pp. 17–54.

[29] International Centre for Migration Policy Development, *Targeting Vulnerabilities: The Impact of the Syrian War and Refugee Situation on Trafficking in Persons — A Study of Syria, Turkey, Lebanon, Jordan and Iraq* (Vienna, Druck and Graphikservice, 2016).

monitoring phase, it was found that those actors took some measures to implement the deeds of commitment, and no evidence of violations was recorded.[30] Similar undertakings have been signed in the Democratic Republic of the Congo, as a result of the implementation of its national action plan to fight against sexual violence in conflict (S/2018/250, para. 38).

41. Prevention also requires the prosecution and punishment of perpetrators of crimes and human rights violations. Measures must be put into place to identify and thus combat traffickers and trafficking networks, including State agents and security forces who may be complicit. Applying a gender lens to identifying early warning signs with a view to preventing gender-based violence requires that measures be not solely focused on victims but also on perpetrators.

42. Security Council resolution 1325 (2000) and the related women and peace and security agenda call for all parties involved in the planning of disarmament, demobilization and reintegration programmes to pay attention to the needs of female ex-combatants and the dependents of combatants. In the resolution, with regard to peacekeeping, the urgent need to mainstream gender perspectives into peacekeeping operations and in the implementation of peace agreements and to adopt measures that ensure the protection and respect for human rights of women and girls are recognized.[31] Such measures are instrumental to reducing the vulnerabilities of women and girls to trafficking and exploitation. A positive development relating to conflict-prevention is the emergence of regional networks of women mediators, such as the Network of African Women in Conflict Prevention and Mediation and the Mediterranean Women Mediators Network (S/2017/861, para. 17).

43. The incidence of trafficking in armed conflict highlights the importance of the prevention of conflict, of human rights violations, including conflict-related sexual violence and trafficking, or of any form of exploitation. This is reinforced by the Secretary-General's preventive approach with regard to potential human rights violations and conflict-related violence.[32] From a human rights-based approach, States are required to take appropriate and effective measures to overcome all forms of discrimination on the basis of sex or gender that fosters violence against women, whether perpetrated by public or private actors.[33] Given that trafficking intersects with other forms of violence against women, preventative anti-trafficking measures and measures aimed at preventing violence against women must be addressed holistically. Preventative anti-trafficking measures should therefore be considered both as life-saving interventions and as being aimed at preventing violence against women.

44. Prevention requires that attention be paid to the structural causes of conflict, violence against women and trafficking, as set out in the United Nations Global Plan of Action to Combat Trafficking in Persons and in the OHCHR Recommended Principles and Guidelines. The Guidelines recommend that States address demand as a root cause of trafficking and the factors that increase vulnerability to trafficking, including inequality, poverty and all forms of discrimination (see E/2002/68/Add.1).[34]

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[30] Geneva Call, "Deed of Commitment for the prohibition of sexual violence in situations of armed conflict and towards the elimination of gender discrimination". Available from https://genevacall.org/how-we-work/deed-of-commitment.

[31] Security Council resolution 1325 (2000), para. 9; see also Aroussi, *Women, Peace and Security*.

[32] See web page of the United Nations Secretary-General, Priorities: prevention. Available at www.un.org/sg/en/priorities/prevention.shtml.

[33] Convention on the Elimination of All Forms of Discrimination against Women, article 2 (c) and (e).

[34] See also Coomaraswamy, *Preventing Conflict, Transforming Justice, Securing the Peace*, p. 200.

45. Prevention of trafficking should also be included in post-conflict measures aimed at making peace possible and sustainable and at preventing migration in unsafe conditions, which can lead to trafficking and exploitation.

G. Protection pillar, including in relation to trafficking in persons

46. The agenda stemming from Security Council resolution 1325 (2000) is specifically focused on the protection of women, on the basis of the concern that women and children are particularly affected by conflicts, with particular attention paid to the deliberate targeting of women by combatants for sexual violence, and recognizing the detrimental impact of such actions on peace and reconciliation. It also focused on the need to protect women who are in vulnerable situations, such as refugees and displaced persons, and the Council calls for respect for the humanitarian character of refugees and resettlement camps.[35]

47. In its resolution 1820 (2008), the Security Council also sought protection for displaced women by requesting the Secretary-General and relevant United Nations agencies to develop effective mechanisms for providing protection from violence, in particular sexual violence, to women and girls in and around United Nations-managed refugee and internally displaced persons camps, in consultation with women's organizations. In resolution 2122 (2013), the Council goes further, expressing concern at the exacerbated vulnerability of women in armed conflict and post-conflict situations in particular in relation to forced displacement, as a result of unequal citizenship rights, gender-biased application of asylum laws and obstacles to registering and accessing identity documents, which occur in many situations.

48. Those who are displaced are especially vulnerable to specific forms of exploitation and trafficking, including: girls who are subjected to early and/or forced marriages, creating vulnerability to trafficking for sexual exploitation or for other purposes; widowed women and women without male companions, including those left behind with children in camps; those who are subjected to incidents of partner or familial gender-based violence in camps; young people, especially those between the ages of 15 and 24, in situations of illiteracy, unemployment or drug addiction or resorting to petty crimes; and children involved in various forms of child labour in agriculture, street vending, collection of waste and garbage, organized begging, especially in cases where children are the primary breadwinner for the whole family.[36]

49. Consultation with women's organizations and women leaders on the design of protection measures should be undertaken. A good practice has been noted with regard to the constitutional councils of Rojava, in the northern Syrian Arab Republic, where women play a crucial role in the development of laws. They have also played a vital role in the development of the Social Contract of Rojava, which prohibits polygamy, forced marriage and child marriage and in the establishment of *mala jin* (women's houses'), which are education and consultancy centres where women who have faced violence and injustice can address their concerns. Many such issues are resolved collectively in the *mala jin* or, when delegated to courts, female judges, who amount to at least 40 per cent, hear cases concerning violence against women.[37]

50. Forced displacement, as a consequence of conflict, lack of safe migratory routes and restrictive migration policies, also increases vulnerabilities to trafficking. IOM has found that, on the central Mediterranean route, of 4,712 valid interviews with

[35] Aroussi, *Women, Peace and Security*, p. 35.

[36] *Toolkit to Combat Trafficking in Persons: Global Programme against Trafficking in Human Beings* (United Nations publication, Sales No. E.08.V.14); see also General Assembly resolution 71/167.

[37] Submission to the Special Rapporteur.

migrants coming from 47 different countries of origin, 77 per cent responded affirmatively to at least one of indicators of human trafficking and other exploitative practices on the basis of their direct experience; on the eastern Mediterranean route, of 4,771 valid interviews with respondents of 66 nationalities, 10 per cent responded affirmatively to at least one indicator.[38]

51. Other areas covered by the protection pillar include addressing conflict-related sexual violence, transformative justice, promoting gender-responsive protective environments, addressing sexual exploitation and abuse and promoting gender equality and the empowerment of women and girls in humanitarian action, including guaranteeing access to essential services (see S/2017/861). Give that some forms of trafficking in persons, such as that for sexual exploitation, for labour exploitation in domestic service and forced marriage are disproportionately experienced by women and girls and give rise to further gendered harms, such as unwanted pregnancy, forced abortion and sexually transmitted infections, protection measures should always incorporate provisions on sexual and reproductive health.

52. As indicated in the *Global Study on the Implementation of United Nations Security Council resolution 1325*, perpetrators must be held accountable and justice must be transformative. The perpetrators of grave crimes against women should be held accountable for their actions so that women receive justice and future crimes are deterred. In addition, justice in conflict and post-conflict settings must be transformative in nature, addressing not only the violation experienced by individual women, but also the underlying inequalities which render women and girls vulnerable during times of conflict and inform the consequences of the human rights violations that they experience. The *Global Study* explores both the importance of fighting impunity for crimes against women through criminal justice proceedings, while also recognizing the central role played by reparations, truth and reconciliation processes and ensuring that victims and their communities heal and recover together.[39]

53. Trafficking in women is usually overlooked as a form of conflict-related sexual violence and, as a consequence, protection measures are often absent or insufficiently addressed or included in peace processes and agreements. In the case of Colombia, trafficking in persons is mentioned only once in the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, under the section on the Tax Authority, together with other forms of illegal economy.[40]

H. Participation pillar, including in relation to trafficking in persons

54. The women and peace and security agenda emphasizes the importance of the meaningful participation of women at all levels of decision-making in relation to peace and security.

55. In the preambular section and operative paragraph 8 of resolution 1325 (2000), the Security Council focused strongly on the equal participation and full involvement of women in all peace efforts at all levels, calling for an increased number of women dispatched to United Nations field operations, especially as military observers, civilian police and human rights personnel; it portrayed women as valuable

[38] IOM, "Flow monitoring surveys: the human trafficking and other exploitative practices indication survey — migrants interviewed along the central and the eastern Mediterranean routes compared", October 2017. Indicators included forced labour, labour without expected pay, being held against one's will, being offered an arranged marriage, and being subjected to physical violence.

[39] Coomaraswamy, *Preventing Conflict, Transforming Justice, Securing the Peace*, p. 15.

[40] "Summary of Colombia's Agreement to End Conflict and Build Peace", 2016. Available at www.altocomisionadoparalapaz.gov.co/herramientas/Documents/summary-of-colombias-peace-agreement.pdf.

peacebuilders, peace advocates and implementers of peace agreements and called upon all United Nations missions to consult with local women's groups.[41] In its resolution 1889 (2009), the Council recommended key strategies to increase the participation of women, including by supporting women's leadership, women's organizations and the provision of training for women to assume special envoy and special representative roles. It linked the underrepresentation of women in decision-making with discrimination on the basis of gender and structural inequalities, including access for women to economic and social rights. It called for clear strategies to address access for women to health services, sexual and reproductive health and rights, education, income-generating activities and resources, including land and property rights.[42]

56. According to the *Global Study*, peace processes including women as witnesses, signatories, mediators and/or negotiators result in a 20 per cent increase in the probability of a peace agreement lasting at least two years. The impact is even greater over time, with a peace agreement being 35 per cent more likely to last 15 years, if women participate in its creation.[43]

57. The important contribution that survivors of trafficking can, on a strictly voluntary basis, make to developing and implementing anti-trafficking interventions and evaluating their impact is recognized in the OHCHR Recommended Principles and Guidelines (E/2002/68/Add.1, para. 6). In its resolution 72/1, the General Assembly recognized the role of victims and survivors as agents of change in the global fight against trafficking in persons and encouraged further consideration of incorporating their perspective and experience in all efforts to prevent and combat trafficking in persons.

58. Facilitating the participation and representation of women, including local women's initiatives, in line with Security Council resolution 1325 (2000), is instrumental to preventing trafficking and re-trafficking and contributes to empowering women in the face of the vulnerabilities to trafficking that they may be exposed to.

59. Women's organizations are often the best placed to know how the local economy works and design alternative economic opportunities that could help women to become more economically independent and lessen their risk of exploitation.

60. The participation of women in peacebuilding processes can raise awareness about the vulnerabilities of women and girls to trafficking in the aftermath of a conflict and establish community-based protective networks, in particular for those who have lost their families during conflicts.[44]

61. The importance participation, especially of women and members of vulnerable groups, in local, public decision-making in improving the effectiveness of anti-trafficking efforts has been documented in the Asian region, where initiatives such as organizations working on trafficking teaming up with women's unions at the national and local levels proved useful to ensuring the effective participation of women in all parts of those programmes.[45]

62. Despite the apparent increase in the number of peace agreements with reference to women and gender issues, most of those agreements still fail to address gender-

[41] Aroussi, Women, Peace and Security, p. 35.

[42] Ibid., p. 41.

[43] Coomaraswamy, *Preventing Conflict, Transforming Justice, Securing the Peace*., p. 49.

[44] Nairobi Declaration on Women's and Girls' Right to a Remedy and Reparation.

[45] The Asia Foundation, "Combating human trafficking in Viet Nam: lessons learned and practical experiences for future program design and implementation — 2002-2008" (Hanoi, 2008).

related concerns in a holistic manner.[46] In addition, given that the overlap between trafficking and conflict-related sexual violence is often overlooked, even when conflict-related sexual violence is included in peace agreements, measures for the prevention of and protection against trafficking in persons are not put into place in post-conflict societies. In his report on conflict-related sexual violence (see S/2016/361/Rev.1), the Secretary-General analysed the situation in Colombia and how in-conflict and post-conflict sexual violence was addressed through the peace process. Concerns were raised, however, about underreporting of sexual violence, despite the continuing widespread risk of it, especially among particular vulnerable groups.

I. Relief and recovery pillar in post-conflict settings, including in relation to trafficking in persons

63. The women and peace and security agenda also addresses the importance of applying a gender perspective in post-conflict reconstruction. The fourth pillar encompasses immediate relief and long-term post-conflict recovery. Relief and recovery require a systematic human rights-based approach towards all victims of trafficking, with particular attention being paid to the gender dimension of the phenomenon, regardless of whether the prosecution and punishment of perpetrators has taken place.

64. Designing long-term relief and recovery measures for victims of trafficking and applying them is also crucial to preventing violent extremism. An example in that regard has been registered in Nigeria, where evidence-based practice has repeatedly shown the effectiveness of sustainable, community-led, bottom-up approaches to preventing violent extremism, and the related risks of trafficking or re-trafficking, through access to psychosocial support, the creation of sustainable, inclusive communities and enhanced social and economic reintegration.[47]

65. The inclusion of a gender perspective in the approach to the delivery of and access to economic and social rights in the immediate aftermath of conflict, when there is significant breakdown of public services and social infrastructure, is essential for long term recovery. Women bear the brunt of the social dimensions of the political economy of conflict, which is itself gendered, and its aftermath. Immediate and systematic attention to health care, access to shelter, food, livelihoods and education for children, including girls, in safe and secure facilities must be included as part of relief and recovery, with particular attention to all victims of conflict-related violence, including trafficked persons. The right to equal access to those services represents a precondition for access to justice, participation and citizenship for women and girls in post-conflict society, thus necessitating long-term planning and budgeting.

66. A key aspect of relief and recovery is the entitlement to reparations for human rights violations. In its Recommended Principles and Guidelines, OHCHR asserts that States should ensure that trafficked persons are given access to effective and appropriate legal remedies. The Special Rapporteur has also elaborated on the importance of effective remedies for victims of trafficking in two of her previous reports (see A/69/269; A/HRC/17/35). The Committee on the Elimination of Discrimination against Women has recommended that States provide effective and timely remedies that respond to the various types of violations experienced by women and ensure the provision of adequate and comprehensive reparations, and address all gender-based violations, including sexual and reproductive rights violations, domestic and sexual enslavement, forced marriage and forced displacement, sexual

[46] Aroussi, *Women, Peace and Security*, p. 123.

[47] NEEM Foundation and Yellow Ribbon Initiative, submission to the Special Rapporteur.

violence and violations of economic, social and cultural rights.[48] Women, including victims of trafficking must be involved in the design, implementation and monitoring of reparation programmes, bearing in mind local contexts and the transformative potential of reparations.

67. Failure to address trafficking for the purposes of exploitation can result in the permanent entrenchment of the phenomenon in countries that are in the process of rebuilding after a period of conflict.[49]

IV. Conclusions

68. **Trafficking in persons is primarily a human rights violation, which should be addressed within the international human rights framework; the criminal law approach, which focuses primarily on prosecution, especially in the context of organized crime, should always incorporate a human rights element that is gender-sensitive and should be based on the principle that the rights of trafficked persons must be respected at all times. Since 2016, the Security Council has specifically addressed trafficking in relation to its mandate for the maintenance of international peace and security, with a special focus on terrorism, as acknowledged in its resolutions 2331 (2016) and 2388 (2017) (see also S/2017/939). The Special Rapporteur takes note of the references to a gender-sensitive, victim-centred and rights-based approach, as well as to other human-rights provisions relating to early warning and screening tools to identify vulnerabilities and the non-criminalization of victims of trafficking for unlawful activities that they might have been forced to commit as a result of trafficking (see Council resolution 2388 (2017), paras. 16, 17 and 19), however, she recognizes that, within the Security Council, trafficking is not addressed in a comprehensive manner and significant links with the women and peace and security agenda are lacking.**

69. **Trafficking is a systemic component of all types of conflict. It can also amount to conflict-related sexual violence when carried out for the purpose of sexual exploitation in the context of an armed conflict. Under certain circumstances, it can also amount to a war crime, a crime against humanity or an act of genocide. Conflict-related sexual violence is specifically addressed through regular reports of the Secretary-General to the Security Council, pursuant to Council resolution 2106 (2013). The Special Rapporteur commends efforts by the Secretary-General to increasingly link trafficking in persons with conflict-related sexual violence, including by explicitly acknowledging it as part of the definition of conflict-related sexual violence in his latest report on the subject. However, at present, trafficking is not comprehensively mainstreamed into the women and peace and security agenda and is often overlooked in conflict and post-conflict responses.**

70. **The Special Rapporteur calls for the full integration of measures aimed at preventing trafficking in persons and protecting its victims and potential victims into the four pillars of the women and peace and security agenda, in order to ensure more effective human rights-based and gender-sensitive anti-trafficking responses and long-term solutions for survivors of trafficking in conflict and post-conflict settings.**

[48] Committee on the Elimination of Discrimination against Women, general recommendation No. 30, para. 81 (g).

[49] Secours Catholique, "Trafficking in human beings in conflict and post-conflict situations", (July 2016).

A. Recommendations

71. **In view of the legal responsibilities of States to identify, protect and assist trafficked persons, especially women and children, in all circumstances, including in conflict and post-conflict situations, and to ensure that perpetrators are held accountable, the Special Rapporteur reiterates the recommendations on trafficking in conflict and post-conflict settings contained in her previous reports (A/71/303 and A/HRC/32/41) and provides the additional recommendations set out below.**

B. Recommendations to Member States

72. **The Special Rapporteur recommends that Member States mainstream trafficking in persons into all four pillars of the women and peace and security agenda of the Security Council as set out below.**

73. **In relation to the prevention of trafficking in persons:**

(a) **Design and implement result-oriented national action plans on women, peace and security which include comprehensive measures aimed at preventing and responding to trafficking in persons at the national level and make it a foreign policy priority, in consultation with multilateral institutions, civil society organizations and victims and victim's organizations, and allocate sufficient human and financial resources for their effective implementation;**[50]

(b) **Adopt a gender perspective when designing refugee camps and pay attention to the particular needs of women and girls who are refugees, including during repatriation, resettlement, rehabilitation, reintegration and post-conflict planning and reconstruction;**

(c) **Give due consideration to early warning signs, including indicators of vulnerabilities to trafficking, especially in refugee, internally displaced persons camps and host communities, and in the proximity of military barracks and peacekeeping forces;**

(d) **Ensure birth and marriage registration free of charge, especially in refugee, internally displaced persons camps and host communities, as well as any other registration system which facilitates early warnings on missing and/or trafficked people, in cooperation with United Nations agencies and programmes;**

(e) **Adopt gender-responsive budgeting practices as a strategy to address and mitigate militarized State budgets and their destabilizing impact on women, peace and security;**[51]

(f) **Encourage educational and leadership trainings for men, women, boys and girls that reinforce and support non-violent, non-militarized expressions of masculinity and promote strategies that mobilize communities against all manifestations of violence against women;**[52]

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[50] Organization for Security and Cooperation in Europe (OSCE) and Inclusive Security, *Designing Inclusive Strategies for Sustainable Security: Results-Oriented National Action Plans on Women, Peace and Security* (Vienna, OSCE Secretariat, 2016); Gema Fernández Rodríguez de Liévana and Viviana Waisman, "'Lost in translation': assessment of the (non)-implementation of the trafficking directive from a gender perspective in Spain", *Journal of Human Rights Practice*, vol. 9, No. 3 (November 2017).

[51] Women's International League for Peace and Freedom, submission to the Special Rapporteur.

[52] Ibid.

(g) Facilitate humanitarian access to international organizations, United Nations agencies and civil society organizations, including in relation to humanitarian dialogue with non-State armed groups on prevention of conflict-related sexual violence and trafficking through signature and implementation of deeds of commitment;[53]

(h) Organize regular training for relevant personnel to identify, document and denounce situations in which there are risks of trafficking within and outside refugee camps and in the proximity of military or peacekeeping bases;

(i) Integrate a gender perspective into the planning of disarmament, demobilization and reintegration programmes;

(j) Incorporate gender considerations, including in relation to trafficking in persons, in the implementation of peace agreements, in particular in the monitoring of peaks in violence, transitional justice mechanisms and monitoring and evaluation tools;

(k) Support and strengthen national and regional networks of women committed to conflict prevention and peace mediation;

74. **In relation to the protection of victims of trafficking:**

(a) Strengthen anti-trafficking laws to include all forms of exploitation and adopt comprehensive national action plans to implement those laws, including in conflict and post-conflict settings, in line with the women and peace and security agenda;

(b) Establish and/or adapt national procedures for early identification, assistance and referral to protection services for victims and potential victims of trafficking, including gender- and child-sensitive measures, in conflict and post-conflict settings, as well as in the context of forced displacement and large migration flows, in line with the recommendations of the Special Rapporteur (A/HRC/38/45);

(c) Give due consideration to the fact that conflict-related sexual violence, especially trafficking for the purpose of child, early and forced marriage, is not only perpetrated by armed groups or criminal gangs but is often a negative coping mechanism employed by family members; therefore, community-based, gender-sensitive and child-centred approaches are essential to preventing such harmful practices that can lead to trafficking;

(d) Ensure coordination between the Women, Peace and Security Index and existing anti-trafficking databases and encourage the use of such an index in developing policy;[54]

(e) In the planning of disarmament, demobilization and reintegration programmes, pay particular attention to the needs of female ex-combatants and dependents of combatants or other people directly participating in hostilities, including by identifying and referring to appropriate protection services any person who was forcefully recruited into armed forces or armed groups or forced to commit crimes as a result of being trafficked. Reintegration programmes should also be adapted to the needs and coping mechanisms of women and their dependents involved in the armed group structures;

[53] Geneva Call, submission to the Special Rapporteur.

[54] Georgetown Institute for Women, Peace and Security and Peace Research Institute Oslo, Women, Peace and Security Index. Available from https://giwps.georgetown.edu/the-index.

(f) Promoting the empowerment of women and girls in humanitarian action, including their access to sexual and reproductive health and rights;

75. In relation to the participation of women, including victims or potential victims of trafficking:

(a) Ensure increased representation of women at all levels of decision-making on the prevention, management and response to conflict-related sexual violence, including trafficking;[55]

(b) Create formal mechanisms to transfer the demands and needs of women, including those deriving from trafficking in persons, into decision-making and peace processes, in line with efforts in implementation of Security Council resolution 1325 (2000) and the related agenda;[56]

(c) Include the participation of women in the anti-trafficking agenda, by recognizing the important contribution that survivors of trafficking can, on a strictly voluntary basis, make to developing and implementing anti-trafficking interventions, in line with the Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the Office of the United Nations High Commissioner for Human Rights (E/2002/68/Add.1);

(d) Address gender-related concerns in a holistic manner and include anti-trafficking measures in peace agreements, with a view to comprehensively including measures for the prevention and protection of victims of trafficking in post-conflict reconstruction, in consultation with women's organizations.

76. In relation to relief for and recovery of victims of trafficking:

(a) Ensure that conflict-related sexual violence and trafficking for any form of exploitation are incorporated into peacebuilding and post-conflict planning and reconstruction processes and support the full and equal participation of women in decision-making, especially when it relates to trafficking in conflict, in line with the general guidelines and recommendations contained in the *Global Study*;

(b) Comprehensively include victims and potential victims of trafficking in relief, recovery and assistance programmes, by taking into account the gendered harm stemming from conflict-related sexual violence, including in relation to their sexual and reproductive health and rights, and provide adequate access to reparations;

(c) Include a gender perspective in the approach to access to economic and social rights in relation to health care, shelter, food, livelihoods and education for children, especially girls, including victims of trafficking and exploitation;

(d) Ensure that victims of trafficking in persons in all its forms, and of sexual violence, committed by terrorist groups are recognized as victims of terrorism so that they may benefit from national relief and reparations programmes on a basis of equality with other such victims;

(e) Recognize the link between terrorism and violent extremism and trafficking in persons, especially when designing and implementing long-term relief and recovery measures, by supporting, through material and financial means, community-based approaches aimed at reintegrating victims of

[55] Women's International League for Peace and Freedom, submission to the Special Rapporteur.
[56] Ibid.

trafficking and any other vulnerable groups and preventing further exploitation, radicalization or re-trafficking;

(f) Ensure all victims of conflict-related sexual violence, including trafficking, access to effective and appropriate legal remedies.

C. Recommendations to the United Nations system, civil society organizations, academia and other relevant stakeholders

77. **The Special Rapporteur recommends that the Security Council:**

(a) Adopt a human rights-based and gender-sensitive approach to trafficking in persons, by comprehensively addressing the impact it has on the realization of a wide range of human rights, in the context of any conflict;

(b) Recognize and address the specific vulnerabilities to trafficking faced by women and girls in conflict and post-conflict settings, by considering the disproportionate impact it has on women and girls and adopting a gender-sensitive approach, including when discussing trafficking as a threat to international peace and security;

(c) Include the use of early warning and early-screening to detect victims and potential victims of trafficking in conflicts, according to resolution 2388 (2017), within the framework of the women and peace and security agenda, strengthening the nexus with the Security Council maintenance of peace and security agenda;

(d) Continue to address the link between trafficking in persons and conflict-related sexual violence, in line with the recommendation contained in paragraph 97 (b) of the report of the Secretary-General on conflict-related sexual violence (S/2018/250);

(e) Consider producing a comprehensive study on the harmful consequences that conflict-related sexual violence and trafficking, especially for sexual exploitation, have on women and girls, including in relation to sexually transmitted infections and unwanted pregnancies and the related lack of access to medical, psychosocial support and other protection services, as well as in relation to the rights and needs of children born out of conflict-related sexual violence and trafficking, by identifying their immediate and long-term risks and challenges and positive interventions which help to reduce or eliminate life-threatening harm and long-term stigma and discrimination;[57]

(f) Recognize the positive role of civil society organizations and humanitarian actors in engaging with non-State armed groups for the prevention of conflict-related sexual violence, including trafficking in persons, and related protection of victims, through the implementation of deeds of commitment, in line with the recommendation contained in paragraph 97 (c) of the report of the Secretary-General (S/2018/250).

78. **The Special Rapporteur recommends that United Nations field operations:**

(a) Ensure that mandatory training for peacekeeping personnel includes the prevention of trafficking, in cooperation with United Nations agencies and programmes and international organizations;

[57] Joanne Neenan, "Closing the protection gap for children born of war: addressing stigmatization and the intergenerational impact of sexual violence in conflict" (London, London School of Economics and Political Science, Centre for Women, Peace and Security, 2018).

(b) Take robust measures to implement the United Nations policy of zero tolerance of sexual exploitation and abuse and the Secretary General's strategy on preventing and combating sexual exploitation and abuse, in particular by taking appropriate measures to put into place a victim-centred approach that assists victims in claiming their rights, including access to justice and to remedies;

(c) As soon as any indication of trafficking and sexual exploitation and abuse arises, take all available actions to facilitate accountability and access to remedies, including ensuring prompt protection and assistance to victims, preserving evidence and supporting national judicial processes when appropriate;

(d) Support the accelerated deployment of human rights personnel specialized in women's protection, including by providing them with ad hoc training courses on trafficking in persons.

79. **The Special Rapporteur recommends that United Nations agencies and programmes, civil society organizations, academia and other stakeholders:**

(a) Mainstream trafficking in persons into all areas of work relating to prevention of and protection and recovery from conflict-related sexual violence, when designing and implementing gender-sensitive responses and programmes, psychosocial and medical support services and when engaging in humanitarian dialogue on respect for international humanitarian and human rights law with non-State actors, such as armed groups;

(b) Continue to research and investigate the link between conflict-related sexual violence, trafficking and exploitation of natural resources and land dispossession, as well as the nexus between trafficking and militarization, within the framework of the women and peace and security agenda, by addressing challenges, protection gaps and good practices.